

15600

Minute Book

March 1782

Montgomery County
March Court
Minute Book
1782

92 VOTES AND PROCEEDINGS, FEBRUARY 1777.

the test to all officers, because he is bound by the very nature of his office to maintain and defend the freedom and independency of this state; and therefore these especial duties ought to be pointed out in the oath of office, although contained in the test.

We are not to learn our duties we owe to our country as citizens and legislators, nor have we forgot the sacred obligation confirmed by the oath taken by us before we acted as senators. We thank you however for the attention shewn to our welfare, by your friendly admonition. We only wish it had been communicated free from those insinuations which are vainly calculated to wound our reputation.

We have receded from our amendments relating to absentees and non-associators, or have altered them in such manner, as we think will take away every objection. To the persons who since the 14th day of August, 1775, fled from this state, twelve months are allowed for their return, and instead of signing the association they must take the oath of fidelity to enable them to hold any office of trust or profit in this state; and unless they return during the war, they will be deprived even of this advantage, and will remain for ever excluded from all employments civil and military. Non-associators residing in this state must, instead of signing the association, take the oath of fidelity before the first of August, or draw on themselves the above incapacity. We have lengthened the time to the first of August for taking the oath, because we conceive there is no difference between punishing men by a retrospective law, and one to operate within a limited time, so short as to exclude the possibility of notice.

We still remain of the same opinion with respect to the reward allowed for taking up persons travelling without passes; have therefore altered the reward we consider as a tax upon travellers from our sister states, unacquainted with our laws, and as an encouragement to the idle and profligate to lie in wait for travellers, for the sake of the money to be obtained from them. We must also observe, that compliance with the law will not exempt the compliers from the payment of the fine.

Desirous of giving every effectual security to the government, and convinced of the importance of many parts of the bill, we should be very sorry that the loss of it should be imputed by your and our constituents to either house; therefore we are unwilling to suppose a determination in your house, which might be inferred from the conclusion of your message, to reject the bill altogether, unless you can obtain our consent to those parts of it upon which we differ with you.

If an agreement of the two houses cannot be obtained upon every part of the bill, surely there can be no reason to justify such an attachment to opinion in either, as to reject the whole upon that account. We propose therefore, that if you should still differ with us upon the amendments retained, that such parts of the bill as can be agreed to by both houses, pass into an act.

By order,

R. POTTS, cl. sen.

Which was read the first time and ordered to lie on the table.

Mr. Tillard has leave of absence.

The bill, entitled, An act to establish a board of commissioners to superintend the marine department, &c. read a second time, passed, and sent to the senate by Mr. Jordan and Mr. Kent. They return and acquaint Mr. Speaker they delivered the bill.

Mr. Kent from the committee appointed to examine the accounts and proceedings of the commissioners of the loan-office, brings in and delivers to Mr. Speaker a report, which was read the first time and ordered to lie on the table.

This house having, agreeable to the form of government, appointed a board of auditors to state and adjust all accounts of this state, relating either to the collection or expenditure of the revenue, RESOLVED, That the governor and the council, or in the absence of the governor the council, be authorized to examine and adjust all accounts transmitted by the auditors, and to draw orders on either of the treasurers for payment, and the treasurer shall pay all such orders. Sent to the senate for their concurrence by Mr. Ennalls and Mr. Brice.

Adjourned till 3 o'clock.

POST MERIDIEM.

The house met. Mr. Ridgely appeared in the house.

Samuel Wilson, Esq; from the senate, delivers to Mr. Speaker the bill, entitled, An act to continue the acts of assembly therein mentioned, thus endorsed; "By the senate, April 14, 1777: Read the first time and ordered to lie on the table."

By order,

R. POTTS, cl. sen.

"By the senate, April 16, 1777: Read a second time and will pass with the amendment herewith sent. By order, R. POTTS, cl. sen."

Amendment proposed by the senate.

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and insert the word "three" in each line.

By order,

R. POTTS, cl. sen.

State of Maryland

Montgomery County to wit At a Court begun and held at the Court House in and for the County aforesaid on the second Tuesday of March being the twelfth Day of the same Month in the Year of our Lord seven hundred and Eighty two

Present the Worshipful

Aneas Campbell Samuel M. Maguire Tho. Keall Joseph Willson

Rub. Thompson Edw. Buzgip Gentlemen Justices

Simon Nicholls Gent. Sheriff Brooke Beall Clk

The Sheriff being called upon returns the panel of Jurors being by him this Day returnable out of which the following Persons are appointed to serve on the Grand Jury to wit

Peter Beecraft Nimian Beall Maguire Lewis Willson John Dent

Chas. Williams William West Ephraim Gauthier John Worthington Warfield

William Benson Basil Roberts Greenbury Gauthier Elias Harding

Erasmus Perry Josiah Bean James Anderson William Fee

Johnsey Gauthier 20/3/77

Who being duly Summomed and Sworn retire to consider and soon after return the following Presentments to wit

for the rights in Somerset county, &c. which was read the first time and ordered to lie on the table.

Court adjourns till Tomorrow M^o 9, O'clock
Met according to adj^o p^o the W^o

Edw^o Burgess Amos Campbell Sam^o W^o Magruder Tho^o Beale
Rich^o Thompson Walter Beale Joseph Willson In Holmes

States
of
John Dowden - 2000 lb^o
Thomas Green - 2000
Basel Roberts - 2000
for John Dowden keeping a public
House of Entertainment until next
Aug^o Court L^o 20 my f^o C^o
for 4^o f^o for blacks fee

States
Michael Hogendrup - 2000
James Luter - 2000
Ninian Magruder - 2000
for Michael Hogendrup keeping a public
House of Entertainment until Aug^o Court
next - £2.10 fine f^o both C^o f^o 4^o

John Luchit is to receive for the Sheriff L^o - of Month as ordered by the Court

John Luchit is allowed by the Court here L^o - for having maintained Mary
Campbell one month which the Sheriff is ordered to pay out of the M^o in his
hands

Joshua Shoemaker is allowed at the rate of four pounds of Month for the
maintenance of Mary Campbell from the 20th Jan^o last till Aug^o Court next
the Sheriff to pay the M^o as it becomes due out of the M^o in his hands

Court adj^o for one hour

Met according to adj^o p^o present

Edw^o Campbell Joseph Willson John Holmes Tho^o Beale Sam^o W^o Magruder
Chas^o Hungerford George Beale Rich^o Warston

States
for Rosanna Edwards transposed child to be kept of the
County of York to be a charge to the County

John Gashin

Bing^o Bewash of Alpaill & Baringy Non sul. H^o son Ap^o the found
Widow for the Defendant
June 1^o 1777

Bing^o Harrison
John Rawlings
James Taylor
Benedict Green
Sam^o Hardsely
Bing^o Ricketts
W^o Davis

David Akel - s^o 1777
W^o Kelly
W^o Burton
J^o Ricketts
Jasper Piddwood
Edw^o Penn
Rich^o Burgess

Also s^o s^o Beale

States
for W^o G^o app^o the C^o of York to depart without leave
ref^o ent^o

W^o W^o G^o 200
Leonard Davis - 100
John W^o Dase - 100

States
W^o W^o G^o - 200
Leonard Davis

The Court direct that an order be made out to W^o Eleanor Harbin for the sum
now due for the Sheriff to Philip Norman

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and insert the word
"three" in each line.

By order,
R. POTTS

for the Sheriff in Somerset county, &c. which was read the first time and second

Ordered that the Sheriff pay Hugh Clifford as a further allowance for keeping and maintaining Elizabeth Rawlings at the rate of 2d of a month the whole to be paid in Aid Money

Court Adj. till Tomorrow M^g Nine o'clock

Met. adj. to adj. 5th June 5th 1784

Sam^r W. Maynard, Tho^s Beall Richard Washon Em^r Lambell
 Rich^d Thompson Joseph Willson George Keale Edw^d Burgess Tho^s Hungerford Walter Keale
 J^r O'Fall

Advised by the Jur^{ys}. that the Sheriff pay unto Tho^s Branan £15. And that
 all out sums done as Constable of the Hundred. Tho^s Constable the order.

The Court allow Ralph Ford £12. And M^g an addition to his former
 allowance for his support until Aug^r Court next which the Sheriff will pay

Ordered by the Court that Ann Bolton serve her Master Aron Prather
 after the expiration of her first servitude Two Years for Maint^y and
 murthering her Base born Child & other charges arising thereon

Court Adjourns for 4th an hour

Met. adj. to adj. 5th

Encas Campbell Tho^s Hungerford Joseph Willson J^r Holmes Rich^d Thompson
 Tho^s Keale Sch^r Willson Edw^d Burgess Walter Keale

Margaret Pearson by } Action of Assault & Battery
 vs } Non Cul. & son Assault. Jur^{ys} joined
 Verdict for the plaintiff 5th June 1784

Wm ^r Lodge J ^r J ^r	John Rawlings	Tho ^s Kelly
Tho ^s Dyan	James Taylor	W ^m Burton
Wm ^r Willson	Benedick Green	Jasper Peddicock
Tho ^s Pearson	Sam ^r Hardisty	Edw ^d Penn
	Benj ⁿ Ricketts Jun ^r	Rich ^d Burgess
	Wm ^r Davis	Wm ^r Howard

Tho^s Margaret Pearson } Action of Assault & Battery
 vs } Non Cul. & son Assault. Jur^{ys} joined
 Verdict for the Defendant
 Wm^r Lodge J^r }
 Tho^s Dyan }
 Wm^r Willson }

Sam^r Green & Elizabeth his Wife } on the Case
 vs } Non Cul. of Jur^{ys}
 Verdict £30. Court adj. 16th
 Patrick M^r Dornett }
 John Rawlings }
 Wm^r Burton }

Isaac Williams	John Rawlings	William Burton
Nathan Lyathum	Jas ^r Taylor	Jasper Peddicock
Susanna Lyathum	Sam ^r Hardisty	Edw ^d Penn
Abel Donathon	Benj ⁿ Ricketts Jun ^r	Rich ^d Burgess
John H. Jones	Wm ^r Davis	William Howard
Philip Daugherty	Tho ^s Kelly	John Beckwith
Rob ^t M ^r Dobb		
Mary Long		
J ^r Baptis Midley		
Tho ^s Keale		

James Sudam } on the Case
 vs } Non Assumpsit & Jur^{ys} joined
 Verdict for Defendant 5th June 1784

Robert Ricketts	John Rawlings	Wm ^r Burton
Griffith Davis	Jas ^r Taylor	Jasper Peddicock
Jas ^r Russell	Sam ^r Hardisty	Edw ^d Penn
	Benj ⁿ Ricketts Jun ^r	Rich ^d Burgess
	Wm ^r Davis	William Howard
	Tho ^s Kelly	John Beckwith

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and insert the word "three" in each line.

By order, R. POTTS

for the use of Somerset county, &c. which was read the first time and ordered to be on the...

Court adj. till Tomorrow Morning 9 O'clock

Met accord. to adj. present
the Walsley full.

Enos Campbell Saml W. Magruder Thomas Beall Charles Hungerford
Joseph Willson Rich Thompson John Holmes Edu King
Rich Wotton Walter Beall James Offutt

Walter Deane

Replevin

plea of property

Replication of J. King Verdict for £1.5.67

Simon Tanshill

James Offutt vs J. King John Rawlings Wm Burton
Geo Offutt vs J. King James Taylor Jasper Beddow
James Magruder vs J. King Saml Hardisty Edu Penn
James Murphy vs J. King Rich Burgess
Rich Deane vs J. King Wm Howard
John Murphy vs J. King Thos Kelly John Beddow
Joseph Burton vs J. King
John Flint vs J. King

Sum

Court adj. for half an hour

Met accord. to adj. present

present

Joseph Willson Saml W. Magruder Thos Beall Rich Wotton
Chas Hungerford Rich Thompson Enos Campbell J. Offutt

Elizabeth Barnes is here allowed £15. as ff Act. which for keeping and
maintaining a poor Woman until next day 6th

State

for J. Pringle aff. next 6th to answer an Ind.

John Pringle -- £12.10.
Robert Peter -- 12.10

Oliver Willson

Trespas for killing Hogs

Non Cul. of Hues

Ralph Latham

Verdict for £4 - Jury sep. by 84

Griffith Davis vs J. King John Rawlings William Burton
Wm Lowry vs J. King James Taylor Jasper Beddow
Thos Clark vs J. King Saml Hardisty Edu Penn
Jas Jordan vs J. King Wm Davis Rich Burgess
Jumiah Crabbe vs J. King Rich Burgess Wm Howard
Thos Spry Wotton vs J. King Thos Kelly John Beddow

Court adj. till Tomorrow Morning 9 O'clock

Met accord. to adj. present

Enos Campbell Rich Thompson Walter Beall Joseph Willson
Saml W. Magruder Rich Wotton Chas Hungerford

State

John House -- £50
James Peter -- 50
Simon Willson -- 50

Printed out the word "even" in the 11th and 12th lines of the 4th page, and insert the word "there" in each line.

By order,

R. POTTS

for Sheriff in Somerset county, &c. which was read the first time and ordered to be on the

Col. Charles Beatty applied to the Court as proprietor of the Ferry at George Town for a license to take the said Ferry and find Security agreeable to the Act of Regulation of Publick Ferries, but John House also came into Court and also applying to the Court as Proprietor and Proposer of the same said Ferry by virtue of a License contract with the said Beatty and offering Security agreeable to the said Act it was determined by the said Court that a license should be granted to the said John House

State
 for John House's Keeping the Ferry at George Town agreeable to the Act of Assembly & agreeable to the rates following to the 1st of Dec^r next

John House	£50
James Suter	50
Samuel Nicholls	50

John House the person above licensed for keeping ferry over Salomack at Geo. Town must keep the following Rate of Boats viz

2 Good Flats for Wagons	
2 Good Boats for Horses & Passengers &c	
2 Good & sufficient Fire-mills	
Rate of Ferryage viz	
for Man Woman or other passenger each	6
for Horses or Cattle of head	6
for Wagons or other four wheeled Carriage each	5.0
for Cart or other two wheeled Carriage	2.6

Court adj^d for half an hour

Met & adj^d to adj^d

Edw^d Burgess. Elias Campbell Walter Beall Rich^d Thompson
 Sam^l Wade Maguire Chal. Hensford Rich^d Wootton

State } for many tests. keeping his Child from becoming a
 Charge to the County
 Mr. Davis £30

Grand Jury discharged and Allowed for 5 Days

State } for John Kelly's supporting a bastard child
 begotten by him on the Body of Rebecca Jeff
 taken by Edw Burgess
 John Kelly £20
 Arch^d Trail £30
 Griffiths Daves

Joshua Harkin Court adj^d to the Court in course this being the
 16th Day of March 1782

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and strike out the word "these" in each line.

By order,

R. POTTS

for the Sheriff in Somerset county, &c. which was read the first time and ordered to be

The Justices of the Peace here ascertain and adjust Liquors and other accommodations for Ordinary Keepers within the County as follows to wit

A hot dish for a Gentleman with a pint of beer or cider	2.0
a cold D ^r with	1.6
a hot D ^r for a Serv ^t with	1.6
a cold D ^r with	1.0
Lodging in a good bed with clean sheets	9
West India Rum or Spirit of Quarts sealed & made into Toddy with loafing	10.0
West India ^{Rum} or Spirit of Quarts	10
French Brandy of Gill	8
Apple Brandy of Gill	6
Whiskey of Gill	4
Claret of Quarts	10.0
Madeira Wine of Quarts	10.0
Red or White Port of Quarts	10.0
Lisbon of	5.0
Good Hay or Tether for a Horse 24 hours	16
Good Pasturage for a horse 24 D ^r	6
Com or Oats of Gallon	6
Cider of Quarts	6
French Brandy of Gill	9
Maryland good Strong Beer of Quarts	10
Good small beer of Quarts	5

All Liquors intermixed with Currys not to exceed the above rates

Court Adjourns to the Court in June (16th Nov 1702)

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and insert the word "three" in each line.

By order, R. POTTS

For Sheriff in Somerset county, &c. which was read the first time and ordered to be read the second time

Constables	Hundreds	who appointed
Stephen Holland	Upper p ^r Newfoundland	Ephraim Gauthier p ^r
Joseph Estep	Lower p ^r Newfoundland	
Samuel Offutt of Wm	Upper p ^r Potomack	
Ladock Offutt	Middle p ^r Potomack	
Wm B Magruder	Lower p ^r Potomack	
George Willson	Seneca	
Aaron Harris	North West	
Tho ^s Branar	George Town	
Edw Garrett	Rock Creek	
William Tomlinson	Sugarland	
Joseph Wheat	Sugarloaf	William Righth p ^r
Lewis Duwall	Linganore	

Evidences Sworn to Attendance March Court 1782

James Acker			
Thomas Sparrow	Sam ^r Turner	Osborn Pils	1 Def ^s
Ja ^s Trail	William Evans	David Trail	12 Def ^s
Ninian Magruder			
Anthony Ricketts	John Easton	Leonard Davis	4 Def ^s
James Smith			

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and insert the word "three" in each line.
By order, R. POTTS

Evidences Sworn to Attendance March Court 1782

Persons Sworn	Plaintiff	Defendant	No Days	for whom
✓ Lewis Peak	Benjamin Pierce	Ben ⁿ Harrison	1	Def
✓ John Fudd	Sam ^r Turner	Osborn Pils	1	Def
✓ John Haymond Jones	Sam ^r Green v ^l ly	Patrick McErrett	5	Def
✓ Philip Daughdy	— is	is	6	Def
✓ Susanna Lythcum	— is	is	4	is
✓ Nathan Lythcum	— is	is	2	is
✓ Robert W ^r Dade	— is	is	2	is
✓ Jacob Williams	— is	is	2	is
✓ Alex ^r Bonathan	— is	is	4	is
✓ Sarah Casy	— is	is	3	Def
Joseph Brandon	Walter Drane	Ninian Tammill	3	Def
George Offutt	is p ^r v ^l ly	is	3	Def
✓ Nat ^l Offutt	— is	is	3	Def
✓ Nat ^l Murphy	— is	is	3	Def
✓ James Magruder	— is	is	2	Def
✓ Wm ^r Thomas	William Thomas	Ninian Beull	9	Def
✓ Joseph Magruder	Walter Drane	Ninian Tammill	3	Def
✓ Nath ^l Galloway	Ninian Beull	Wm ^r Thomas	13	Def
✓ Thomas Drane	Walter Drane	Ninian Tammill	1	Def
✓ Wm Beull	State of Maryland	Baril Roberts	1	Def
✓ Elizabeth Griffith	John York, Prance	John Mumet	16	Def
✓ Griffith Davis	Alex ^r Willson	Ralph Lankam	4	Def
✓ Tho ^s Clark	— is	is	6	is
✓ Wm Lowry	— is	is	5	is
✓ Ja ^s Tubdan	— is	is	5	is
✓ Tho ^s Pearce	Henry Pearce	Wm Sedgwick	9	is
✓ Wm Bateson	Lodowick Yostedman	John Mumet	16	Def
✓ Mary Allison	John Easton	Leonard Davis	8	Def
✓ Ninian Beull	— is	Baril Roberts	5	Def
✓ Eliana Hemen	Lodowick York	John Mumet	6	Def
✓ Tho ^s Nicholls	Tho ^s Kelly	Andrew McQuinn	5	Def
✓ Tho ^s Peak	Ben ⁿ Pierce	Ben ⁿ Harrison	1	Def
✓ Wm Brinton	John Carter	Tho ^s Case	9	is

for the file in Somerset county, &c. which was read the first time and ordered to be on

Witnesses Sworn to the Grand Jury March Court 1782

Benjamin Duesch, Junr.
 Robert Buxton
 Caleb Philips
 Tho. East
 Wm. P. Davis
 John Welch
 Tho. Branan
 Lewis Housen
 Joseph Gill, Junr.
 John M. Daniel
 Wm. Cahoon
 Ann Edwards
 Wm. Clark
 Zebach Dukason
 Ignatius Green

VOTES AND PROCEEDINGS, FEBRUARY 1777. 89

vote for such delegates, and no other, to have a right of suffrage; the first election for commissioners of the tax to be on the first Monday in October next," be inserted in the said bill? Carried in the negative.

A F F I R M A T I V E.

Messrs	Perkins, Tillard, Hammond, Hall,	Deye, Stevenson, Shepherd, R. Bond,	Ewing, Magruder, Bordley, Chaille,	Bishop, J. Bond, T. Bond, Archer,	Smithson, Douglass, Mason, Williams,	Wootton, Crabb, Burgess.
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N E G A T I V E.

Messrs	Read, Jordan, Lethbury, Maxwell, Galloway,	Allein, Turner, Jackson, Maddox, Polk,	Ennalls, Henry, Smoot, Veazy, Craufurd,	S. Chase, Brice, Benfon, Banning, Kent,	Bruff, Wright, Edelen, Sheredine,	Downes, Dickinson, Smith, J. T. Chase.
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Adjourned till 3 o'clock.

P O S T M E R I D I E M.

The house met. Mr. O. Sprigg appeared in the house. The house resumed the consideration of the bill, entitled, An act to assess and impose an equal tax, &c. and on motion, the question was put, That an assessment be laid on lucrative offices, and also on all employments, such as factors, lawyers, physicians, and on pensions and annuities? Carried in the negative.

A F F I R M A T I V E.

Messrs	Read, Perkins, Maxwell, Tillard,	Hammond, Hall, Deye, Stevenson,	Shepherd, Craufurd, Magruder,	Chaille, Sheredine, J. Bond,	T. Bond, Smithson, Williams,	Wootton, Crabb, Burgess.
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N E G A T I V E.

Messrs	Jordan, Lethbury, Galloway, Allein, Turner, Jackson,	Maddox, Polk, Ennalls, Henry, Smoot,	R. Bond, Veazy, Ewing, O. Sprigg, Brice,	Benfon, Banning, Kent, Bruff, Wright,	Bordley, Bishop, Edelen, Archer, Downes,	Douglass, Mason, Dickinson, Smith, J. T. Chase.
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In progression on said bill, the question was put, That pauper estates be fixed at thirty pounds? Resolved in the affirmative.

A F F I R M A T I V E:

Messrs	Read, Jordan, Lethbury, Perkins, Maxwell, Tillard, Hammond,	Hall, Allein, Turner, Jackson, Maddox, Ennalls, Henry,	Smoot, Deye, Stevenson, Shepherd, R. Bond, Veazy, Ewing,	Craufurd, O. Sprigg, Magruder, Benfon, Banning, Kent, Bruff,	Wright, Chaille, Sheredine, J. Bond, T. Bond, Archer, Smithson,	Mason, Dickinson, J. T. Chase, Williams, Wootton, Crabb, Burgess.
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N E G A T I V E.

Messrs	Galloway, Polk,	S. Chase, Brice,	Bordley, Bishop,	Edelen, Downes,	Douglass, Smith.
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The bill being read throughout, the question was put, That the said bill do pass? Resolved in the affirmative.

The house adjourns till to-morrow morning 9 o'clock:

W E D N E S D A Y, April 16, 1777.

THE house met. Present the same members as on yesterday, except Mr. Ford. The proceedings of yesterday were read. Mr. Polk brings in and delivers to Mr. Speaker a bill, entitled, An act for holding an election for sheriffs in Somerset county, &c. which was read the first time and ordered to lie on the table.

Strike out the word "seven" in the 11th and 12th lines of the 4th page, and insert the word "three" in each line.

By order, R. POTTS